

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5822 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PATEL DEVJI GOVINDBHAI

Versus

COLLECTOR

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Appearance:

M/S THAKKAR ASSOC. for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2

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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 05/08/97

ORAL JUDGEMENT

Rule. Mr Nigam Shukla learned AGP waives service for the respondent. At the request of the learned advocates, this petition is taken up for hearing today.

It is an undisputed fact that the petitioner has not been heard by the Collector, Amreli when he passed the order dated 19.12.1992 confiscating 41 gunny bags of Til weight 3200 kg. eventhough the petitioner has

claimed the ownership of the said 41 bags of Til. It is also not in dispute that one Hasmukhlal and Giriraj Oil Mill, who were heard by the Collector, have also stated that the Til belongs to the petitioner. It is true that the petitioner had filed revision application against the order of the Collector, which was rejected by the Secretary, Civil Supplies Department on 26.2.1996. However, the facts remain that the petitioner is not heard by the Collector, and therefore, the petitioner could not produce the necessary evidence before the Collector.

In view of this, the ends of justice shall be met if the matter is remanded back to the Collector, Amreli for passing an appropriate order after hearing the petitioner.

IN the result, the petition is allowed. The impugned order passed against the petitioner dated 26.2.1996 by the respondent no. 2 is set aside. The matter is remanded back to the Collector, Amreli, who will pass an appropriate order on merits and in accordance with law after hearing the petitioner and/or his representative. It will be open for the petitioner to lead such evidence as it is necessary before the Collector, Amreli. Rule made absolute with no order as to costs.

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